

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 3818 OF 2004

Electrex India Ltd. & ors. ... Applicants

versus

State of Maharashtra & anr ... Respondents

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Mr. A.P. Mundargi i/by Mr. P.C. Kansara, for the
Applicants.

Mr. K.V. Saste, A.P.P., for Respondent No.1.

Mr. Dinesh Purandare i/by M/s. Kartikeya &
Associates for Respondent No. 2.

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CORAM : A.M.KHANWILKAR, J.

1st December 2004

P.C.:

. Heard Counsel for the parties. Having regard to the peculiar facts and circumstances of the case, and in the interest of justice, this petition ought to succeed by directing transfer of cases pending before the J.M.F.C., A.C. Court at Pune, to Metropolitan Magistrate, 47th Court at Mumbai. This is so because there is already

one criminal case for the same offence instituted by the Respondent No. 2 - complainant - in the Court at Mumbai in addition to the civil action which was instituted in the Court at Mumbai. Be that as it may, the Respondent No. 2 will not be seriously prejudiced if the cases pending before the Pune Court are transferred to Mumbai Court, to be heard with the pending criminal case at Mumbai, with further direction that all cases be disposed of in time bound manner. Petitioners, through their Counsel, assure that they will extend full co-operation for early disposal of all the cases, if transferred to Mumbai and abide by all directions to be given by the trial Court in that behalf from time to time. This assurance is accepted.

. In this backdrop, the application is allowed in terms of prayer clause (a) with direction to the Metropolitan Magistrate, 47th Court at Mumbai to hear the transferred cases along with Criminal Case No. 82/SS/2004, which is already pending before him, and dispose of all the criminal cases between the parties inter se, preferably within nine months from today; in any case, not later than one year from the date of

receipt of writ of this Court. Registry to take immediate steps to ensure compliance of this order, so as to place all the files before the concerned Court in Mumbai for directions on 13th December 2004. Parties agree to appear before the concerned Court in Mumbai on 13th December 2004.

. Parties to act on the authenticated copy of this order.

(A.M.KHANWILKAR, J.)